



Order Filed on August 25, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**DISTRICT OF NEW JERSEY
UNITED STATES BANKRUPTCY COURT**

Caption in Compliance with D.N.J. LBR 9004-1(b)

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Attorneys for Creditor MidFirst Bank

In Re:

RICKY M. MYERS
LUCRETIA MYERS AKA LUCRETIA
JONES

Debtor(s).

Case No.: 18-14053-jnp

Hearing Date: August 25, 2020

Judge: Jerrold N. Poslusny, Jr.

Chapter: 13

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS

The relief set forth on the following pages, numbered two (2), and three (3) is hereby **ORDERED**.

DATED: August 25, 2020

A handwritten signature in black ink, appearing to read "J. Poslusny", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Applicant: MidFirst Bank
Applicant's Counsel: GROSS POLOWY, LLC - Lynn T. Nolan, Esq. - 039952011
Debtor's Counsel: LAW OFFICES OF DAVID PAUL DANIELS, LLC - Tamika Nicole Wyche, Esq.

Property Involved ("Collateral"): 520 Martinelli Avenue, Minotola, NJ 08341-1210

Relief Sought: ☒ Motion for relief from the automatic stay
☐ Motion to Dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 6 months, from 03/01/2020 to 08/01/2020.
- ☒ The Debtor is overdue for 3 payments at \$1,419.95 per month.
- ☒ The Debtor is overdue for 3 payments at \$1,333.45 per month.
- ☒ The Debtor is assessed for 6 late charges at \$27.86 per month.
- ☒ Applicant acknowledges suspense funds in the amount of \$640.45 received.

Total Arrearages Due \$7,786.91.

2. Debtor must cure all post-petition arrearages, as follows:

- ☐ Immediate payment shall be made in the amount of _____, payment shall be made no later than _____.
- ☒ Beginning on 09/01/2020, regular monthly mortgage payments shall continue to be made in the amount of \$1,333.45.
- ☒ Beginning on 09/15/2020, an additional monthly cure payments shall be made in the amount of \$649.01, for 1 month.
- ☒ Beginning on 10/15/2020, an additional monthly cure payments shall be made in the amount of \$648.90, for 11 months.
- ☐ The amount of _____ shall be capitalized in the debtor's Chapter 13 plan. The Debtor's monthly payment to the Chapter 13 Trustee is modified to be _____ per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate Payment

Midland Mortgage Company
Bankruptcy Payments
999 N.W. Grand Boulevard
Oklahoma City, OK 73118-6116

☒ Regular Monthly Payment

Midland Mortgage Company
Bankruptcy Payments
999 N.W. Grand Boulevard
Oklahoma City, OK 73118-6116

☒ Monthly Cure Payment

Midland Mortgage Company
Bankruptcy Payments
999 N.W. Grand Boulevard
Oklahoma City, OK 73118-6116

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within (30) day of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney's fees of \$850.00 and costs of \$216.00.

The Fees and costs are payable:

☒ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim..

☐ To the Secured Creditor within 30 days.

Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New JerseyIn re:
Ricky M. Myers
Lucretia Myers
DebtorsCase No. 18-14053-JNP
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Aug 25, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 27, 2020.
db/jdb Ricky M. Myers, Lucretia Myers, 520 Martinelli Ave, Minotola, NJ 08341-1210

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 27, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 25, 2020 at the address(es) listed below:

Alexandra T. Garcia on behalf of Creditor Finance of America NJECFMAIL@mw-c-law.com,
nj-ecfmail@ecf.courtdrive.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
John F Newman on behalf of Creditor SJFCU courts@southjerseyfcu.com
Julie Cascino on behalf of Creditor MidFirst Bank jcascino@grosspolowy.com,
ecfnotices@grosspolowy.com
Kevin Gordon McDonald on behalf of Creditor MIDFIRST BANK kmcdonald@kmlawgroup.com,
bkgroup@kmlawgroup.com
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nj-ecfmail@ecf.courtdrive.com
Tamika Nicole Wyche on behalf of Debtor Ricky M. Myers davidanielslaw@gmail.com,
G30609@notify.cincompass.com
Tamika Nicole Wyche on behalf of Joint Debtor Lucretia Myers davidanielslaw@gmail.com,
G30609@notify.cincompass.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 11